

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:	)	Chapter 9
CITY OF DETROIT, MICHIGAN,	)	
	)	Case No. 13-53846
	)	
Debtor.	)	Hon. Steven W. Rhodes
	)	

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**RESPONSE OF THE DETROIT RETIREMENT SYSTEMS TO THE  
MOTION OF THE DEBTOR FOR PROTECTIVE ORDER**

The Police and Fire Retirement System of the City of Detroit (“PFRS”) and the General Retirement System of the City of Detroit (“GRS,” together with PFRS, the “Retirement Systems”) hereby submit this response to the Motion of the Debtor for Protective Order [Docket No. 583] (the “Motion”) and state as follows:<sup>1</sup>

1. The City of Detroit, Michigan (the “City”) previously required interested parties to enter non-disclosure agreements to gain access to the data room. Motion at ¶ 10. “The City’s non-disclosure agreements only applied to non-public information, and did not deny access to the materials through Freedom of Information Act requests or formal discovery.” *Id.*

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<sup>1</sup> This Objection is filed subject to the reservations of rights in the Appearances filed by the undersigned counsel in this case, including the Retirement Systems’ right to argue that this Court lacks subject matter jurisdiction and that the City is not eligible to be a debtor under chapter 9 of the Bankruptcy Code.

2. The City and its actuaries, Milliman, have apparently agreed that “[t]hose having access to the data room will no longer be required to sign a non-disclosure agreement with Milliman.” Motion at ¶ 15.

3. Paragraph 16 of the Motion states that “. . . [a]bsent the protection of non-disclosure agreements, the City believes it necessary to continue to redact personally identifiable information . . . .”

4. Thus, paragraphs 15 and 16 of the Motion appear to indicate that the City will no longer be requiring interested parties to sign non-disclosure agreements in order to have unrestricted access to the data room.

5. Prior to the petition date, the Retirement Systems signed one or more non-disclosure agreements with the City and a waiver in order to gain access to the data room and the Milliman information therein. The Retirement Systems submit that these non-disclosure agreements and waiver should be deemed to be of no force and effect now that the City and Milliman will be providing unrestricted access to the data room to all interested parties.

6. Accordingly, the Retirement Systems submit that any order granting the Motion should provide as follows:

All non-disclosure agreements and waivers governing access to the City’s data room entered into by and between (i) the City and any interested party and/or (ii) Milliman and any interested party are of no force and

effect. Subject to the terms of this Order, all interested parties shall have unrestricted access to the data room.

Respectfully submitted,

CLARK HILL PLC

/s/ Robert D. Gordon

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Dated: August 27, 2013

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Retirement System of the City of Detroit*

# EXHIBIT 1

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on August 26, 2013, the Response of the Detroit Retirement Systems to the Motion of the Debtor for Protective Order was filed using the Court's CM/ECF system, which CM/ECF system will send notification of such filing to all parties of record.

CLARK HILL PLC

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